

NOTICE OF FORECLOSURE SALE

1. **Foreclosure Sale.**

Date of Sale: November 5, 2024

Time of Sale: The sale shall begin no earlier than 11:00 a.m. and shall end no later than three hours after, or by 2:00 p.m.

Place of Sale: At the Galveston County Courthouse located at 722 Moody, Galveston, Texas at the following location: Outside of the West entrance to the Galveston County Courthouse or if the preceding area is no longer the designated area, at the area most recently designated by the County Commissioner's Court..

2. **Lien Instrument:**

Date of Instrument: August 1, 2023

Name of Instrument: Builder's and Mechanic's Lien Contract

Grantor: Vivian Irlas, Jr., a single person

Substitute Trustees: Jim Mills, Susan Mills, George Hawthorne, Ed Henderson and Andrew Mills-Middlebrook.

Address: 9130 Jollyville Rd., Suite 100-21, Austin, TX 78759

Lender & Holder: United Built Homes, L.L.C.

Recording location: Instrument No. 2023036701 of the real property records of Galveston County, Texas.

Legal Description: See attached Exhibit "A"

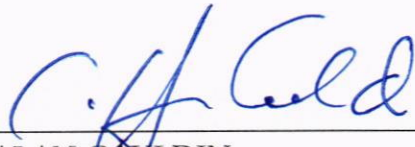
3. **Debt Secured.**

Date of Instrument: January 19, 2019
Name of Instrument: Retail Installment Contract
Debtor(s): Vivian Irlas, Jr., a single person
Lender & Holder: United Built Homes, L.L.C.
Original amount: \$233,473.00

4. **Default and Request to Act:** Default has occurred in the payment of the Retail Installment Contract and in the performance of the obligations of the Builder's and Mechanic's Lien Contract. Because of that default, United Built Homes, L.L.C., the owner and holder of the Builder's and Mechanic's Lien Contract, has requested Substitute Trustee to sell the Property. Therefore, notice is given that on and at the Date, Time and Place for Foreclosure Sale described above, the Substitute Trustee will sell the Property in accordance with the Terms of Sale described below, the Builder's and Mechanic's Lien Contract and the Texas Property Code.
5. **Postponement, Withdrawing, or Rescheduling of the Sale** - The Builder's and Mechanic's Lien Contract permits the Holder to postpone, withdraw, or reschedule the sale for another day. In that case, the Substitute Trustee need not appear at the scheduled sale to announce the postponement, withdrawal, or rescheduling. Notice of any rescheduled foreclosure sale will be re-posted and re-filed, and may be after the date originally scheduled for this sale.
6. **Terms of Sale.** The sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the Builder's and Mechanic's Lien Contract permitting the Holder to have the bid credited up to the amount of the unpaid debt secured by the Builder's and Mechanic's Lien Contract. Those desiring to purchase the property will need to demonstrate their ability to pay cash on the day the property is sold. The sale will be made expressly subject to any title matters set forth in the Builder's and Mechanic's Lien Contract. Prospective bidders are reminded that, by law, the sale will be subject to all prior matters of record affecting the property. Prospective bidders are strongly urged to examine the property records to determine the nature and extent of such matters, if any.
7. **Property Sold "AS IS."** Pursuant to section 51.009 of the Texas Property Code, the Property will be sold "**AS IS,**" without any expressed or implied warranties, except as to the warranties (if any) provided for under the Deed of Trust. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the Property.
8. **Conditions.** Pursuant to section 51.0075(a) of the Texas Property Code, Substitute Trustee reserves the right to set further reasonable conditions for conducting the Foreclosure Sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by Substitute Trustee.
9. **Inquiries.** Questions concerning the sale may be directed to the undersigned Agent and Attorney for the Lender

10. ASSERT AND PROTECT YOUR RIGHTS AS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES. IF YOU ARE OR YOUR SPOUSE IS SERVING ON ACTIVE MILITARY DUTY, INCLUDING ACTIVE MILITARY DUTY AS A MEMBER OF THE TEXAS NATIONAL GUARD OR THE NATIONAL GUARD OF ANOTHER STATE OR AS A MEMBER OF A RESERVE COMPONENT OF THE ARMED FORCES OF THE UNITED STATES, PLEASE SEND WRITTEN NOTICE OF THE ACTIVE DUTY MILITARY SERVICE TO THE SENDER OF THIS NOTICE IMMEDIATELY.
11. THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEES IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT IDENTIFIED IN THIS NOTICE OF SALE. THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY AND AUTHORIZED AGENT OF THE LENDER AND HOLDER.

DATED October 8, 2024.



C. ALAN GAULDIN
Attorney at Law and Agent for Holder
Texas Bar No. 00785507
2790 S. Thompson St., Suite 102
Springdale, AR 72764
Phone: 479.872.3841
Fax: 479.872.3841
legal@ubh.com

EXHIBIT A

**DESCRIPTION OF A TRACT OF LAND CONTAINING
0.9991 ACRES (43,520 SQUARE FEET) SITUATED
IN BLOCK 61, OF THE TOWN OF ARCADIA
GALVESTON COUNTY, TEXAS**

Being a tract of land containing 0.9991 acres (43,520 square feet), being all of a tract of land conveyed unto Vivian Irlas, Jr. by deed recorded under County Clerk's File No. 2022054264 of the Official Public Records of Galveston County, Texas, being part of Lot 1, in Block 61, of the Town of Arcadia, a subdivision plat recorded in Volume 91, Page 216 in the Office of the County Clerk of Galveston County, Texas. Said 0.9991-acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a found 1/2-inch iron rod at the intersection of the southwest right-of-way line of 8th Street (80 feet wide) with the northwest right-of-way line of Terry Street (80 feet wide) for the northeast corner of said Lot 1, and the northeast corner of the said tract herein described;

THENCE South 19°27'59" West, with said northwest right-of-way line and the southeast line of Lot 1, a distance of 160.00 feet to a found 1/2-inch iron rod for the southeast corner of the said tract herein described;

THENCE North 70°32'01" West, a distance of 272.00 feet to the southwest corner of the said tract herein described, from which a found 1/2-inch iron rod with cap marked "RPLS 2753" bears North 79°53' West a distance of 0.8 feet;

THENCE North 19°27'59" East, a distance of 160.00 feet to a found 1/2-inch iron rod in the southwest right-of-way line of said 8th Street and the northeast line of said Lot 1 for the northwest corner of the said tract herein described;

THENCE South 70°32'01" East, with said the southwest right-of-way line of and the northeast line of said Lot 1, a distance of 272.00 feet to the **POINT OF BEGINNING** and containing 0.9991 acres (43,520 square feet), more or less.

FILED

Instrument Number: *FILED2024001208*

Filing Fee: 2.00

Number Of Pages: 5

Filing Date: 10/15/2024 9:47AM

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Galveston County, Texas.



Dwight D. Sullivan

Dwight D. Sullivan, County Clerk
Galveston County, Texas

NOTICE: It is a crime to intentionally or knowingly file a fraudulent court record or instrument with the clerk.

DO NOT DESTROY - *Warning, this document is part of the Official Public Record.*